

NOVEMBER 13, 2007

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

07 C 6434

LIONEL FRANKLIN,

COMPLAINT

Plaintiff,

v.

**JUDGE KENDALL
MAGISTRATE JUDGE NOLAN**
Civil Action No.:

SENTRY CREDIT, INC. and
BUREAUS INVESTMENT GROUP,

JURY TRIAL DEMANDED

Defendants.

COMPLAINT

I. INTRODUCTION

1. This action is brought by Plaintiff Lionel Franklin for statutory damages against Defendants Sentry Credit, Inc. and Bureaus Investment Group for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (hereinafter referred to as "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Venue is proper in this district as all relevant events took place here.

III. PARTIES

3. Plaintiff Lionel Franklin is an individual who resides in Calumet City, Illinois.

4. Mr. Franklin is a consumer as defined by the FDCPA, 15 U.S.C. § 1692a(3).

5. Defendant Sentry Credit, Inc. (hereinafter referred to as "Sentry") is a corporation

organized under the laws of the State of Washington located at 2809 Grand Avenue, Everett, Washington.

6. Sentry is licensed by the State of Illinois as a Collection Agency.

7. Sentry is engaged in the collection of debts from Illinois consumers using the mail and telephone.

8. Sentry regularly attempts to collect consumer debts alleged to be due to another.

9. Sentry was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

10. Defendant Bureaus Investment Group is a limited liability corporation organized under the laws of the State of Illinois with its principal office located at 1717 Central Street, Evanston, Illinois.

11. Bureaus Investment Group is engaged in the collection of debts from Illinois consumers using the mail and telephone.

12. Bureaus Investment Group regularly purchases defaulted debts.

13. Bureaus Investment Group regularly attempts to collect consumer debts alleged to be due to another.

14. Bureaus Investment Group was and is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

15. Mr. Franklin incurred an alleged debt to Washington Mutual through use of a credit card issued by Washington Mutual ("the Debt").

16. Bureaus Investment Group obtained the Debt after it was in default.

17. Sentry obtained the Debt from Bureaus Investment Group on or about September 4, 2007.

18. Bureaus Investment Group retained or otherwise engaged the services of Sentry to collect the Debt.

19. On September 19, 2007, Mr. Franklin received a telephone message from telephone number 425.257.9500 stating, "Hi this message is for Lionel Franklin. My name is Melissa Rules. You need to return this call as soon as possible. 1.800.608.2581 my extension is 3296. It looks like you spoke to somebody in our office about a week ago and I need to update your file. Thank you."

20. On September 20, 2007, Mr. Franklin called 1.800.608.2581, reaching Sentry, and was connected with Anesha Moore.

21. Ms. Moore informed Mr. Franklin that the account balance of the Debt was \$3,026.62.

22. Mr. Franklin told Ms. Moore that he disputed the Debt.

23. Ms. Moore told Mr. Franklin that he could not dispute the Debt over the telephone, that he had to have a "valid dispute" that he does not owe the Debt, and that it must be in writing. Ms. Moore stated that nobody can dispute a debt over the telephone.

24. On or about September 20, 2007, Sentry arranged for the preparation and transmittal of a letter to Mr. Franklin at his residence in an attempt to collect the Debt. A copy of Sentry's September 20, 2007, correspondence is attached hereto as Exhibit A.

25. Exhibit A contained:

000900367

Lionel J Franklin
[address]

CREDIT GRANTOR: ***BUREAUS INVESTMENT GROUP***

Client account number: 414264482

\$2,985.34	PRINCIPLE DEBT
\$43.86	ACCRUED INTEREST
\$0.00	OTHER COSTS
\$3,026.62	TOTAL BALANCE

(emphasis in original).

26. Bureaus Investment Group did not grant credit to Mr. Franklin.
27. The entity that granted Mr. Franklin the credit regarding the Debt was Washington Mutual.
28. The total of \$2,985.34 and \$43.86 is \$3,029.20.
29. On October 10, 2007, Mr. Franklin received a telephone message from telephone number 425.257.9500 stating, "Hey this message is for Lionel Franklin. My name is Sarah Roberts. My number is 1.800.608.2581 x3487. You need to return this phone call today, immediately upon receiving his message. This is regard to a very important business matter that requires your immediate attention. Thank you."
30. On October 18, 2007, Mr. Franklin received a telephone message from telephone number 425.257.9500 stating, "Hi this message is for Lionel Franklin. My name is Sarah Roberts. You need to return this phone call at 1.800.608.2581 x3487. This is in regard to an extremely important business matter that requires your immediate attention. We have spoken with you before you do need to follow up with us. Again 1.800.608.2581 x3487. Thank you."

31. On October 25, 2007, Mr. Franklin received a telephone message from telephone number 425.257.9500 stating, "This message is for Lionel Franklin. My name is Sarah Roberts. My number is 1.800.608.2581 x3487. This is in regards to a very important business matter. It does require your immediate attention. This is not a sales or solicitation call. When calling reference file # 900367. Again the number you can contact me at is 1.800.608.2581 x3487. Thank you."

32. On October 30, 2007, Mr. Franklin received a telephone message from telephone number 425.257.9500 stating, "This message is for Lionel Franklin. My name is Sarah Roberts. You need to return this phone call immediately. 1.800.608.2581 x3487. I do need to hear back from you within 24 hours. Thank you."

33. Telephone calls placed to 425.257.9500 are answered by Sentry.

34. Telephone calls placed to 1.800.608.2581 are answered by Sentry.

35. The telephone messages described above did not meaningfully disclose Sentry as the identity of the caller.

36. The telephone messages described above did not disclose that the communication was from a debt collector.

37. The debt referred to in Exhibit A was incurred for personal, family, or household purposes, *i.e.*, personal purchases on a credit card.

38. The actions of Sentry are imputed to Bureaus Investment Group.

V. COUNT ONE – FAIR DEBT COLLECTION PRACTICES ACT

39. Plaintiff repeats, realleges, and incorporates by reference the foregoing paragraphs.

40. Defendants' violations of the FDCPA include, but are not limited to
- A. engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt in violation of 15 U.S.C. § 1692d;
 - B. placing telephone calls without meaningful disclosure of the caller's identity in violation of 15 U.S.C. § 1692d(6);
 - C. using any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. §§ 1692e and e(10);
 - D. failing to disclose in communications subsequent to the initial communication with the consumer that the communication is from a debt collector in violation of 15 U.S.C. § 1692e(11); and
 - E. creating a false sense of urgency in violation of 15 U.S.C. § 1692e.

41. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to an award of statutory damages, costs and reasonable attorney fees.

VI. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Lionel Franklin requests that judgment be entered in his favor against Defendants Sentry Credit, Inc. and Bureaus Investment Group for:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- B. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k(a)(3);
and
- C. For such other relief as the Court may find to be just and proper.

VII. JURY DEMAND

Plaintiff Lionel Franklin hereby demands that this case be tried before a Jury.

s/ Craig M. Shapiro
Craig M. Shapiro
O. Randolph Bragg
HORWITZ, HORWITZ & ASSOCIATES, LTD..
25 East Washington Street Suite 900
Chicago, Illinois 60602
(312) 372-8822
(312) 372-1673 (Facsimile)

ATTORNEYS FOR PLAINTIFF LIONEL FRANKLIN

EXHIBIT A

SENTRY CREDIT, INC.

**2809 Grand Ave.
Everett, WA 98201
(800) 608-2581**

September 20, 2007

000900367

**Lionel J Franklin
526 PAXTON AVE
CALUMET CITY, IL 60409**

CREDIT GRANTOR: **BUREAUS INVESTMENT GROUP**

Client account number: **414264482**

\$2,985.34	PRINCIPLE DEBT
\$43.86	ACCRUED INTEREST
\$0.00	OTHER COSTS
\$3,026.62	TOTAL BALANCE

Above is a statement of your account that has been assigned to our office for collection. If payment in full has not already been made, please send it at this time.

This is an attempt to collect a debt and any information obtained will be used for that purpose.

Respectfully,

Sentry Credit, Inc.